
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SAMUEL A. NICOSIA,

Plaintiff,

v.

LVNV FUNDING; SEAN UMIPIG;
SEAN MORRISSEY; and JOHNSON
MARKS, LLC,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:24-cv-00483-RJS-CMR

Chief District Judge Robert J. Shelby

Magistrate Judge Cecilia M. Romero

Plaintiff Samuel A. Nicosia initiated this pro se action against Defendants LVNV Funding, LLC, Sean Umipig, Sean Morrissey, and Johnson Marks, LLC on July 3, 2024.¹ On August 15, 2024, Plaintiff moved for default judgment against Defendants LVNV Funding, LLC, Sean Umipig, and Johnson Marks, LLC.² This court referred the Motion to Magistrate Judge Cecilia M. Romero pursuant to 28 U.S.C. § 636(b)(1)(B).

Judge Romero issued a Report and Recommendation (Report) on January 13, 2025, recommending the court deny Plaintiff's Motion.³ The Report advised Plaintiff of his right to object to the Report within fourteen days pursuant to Federal Rule of Civil Procedure 72(b).⁴ Judge Romero further cautioned Plaintiff that "[f]ailure to object may constitute waiver of objections upon subsequent review."⁵

¹ Dkt. 1, *Complaint*.

² Dkt. 11, *Motion for Default Judgment* at 1.

³ Dkt. 12, *Report and Recommendation Denying Plaintiff's Motion for Default Judgment and Order to Show Cause*.

⁴ *Id.* at 2.

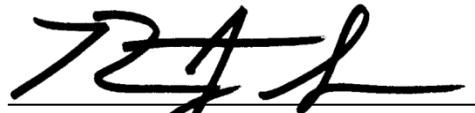
⁵ *Id.*

Federal Rule of Civil Procedure 72(b)(2) allows parties to file “specific written objections to the proposed findings and recommendations” within fourteen days after being served with a copy of the recommended disposition. When no timely objections are filed, the Supreme Court has suggested no further review by the district court is required, but nor is it precluded.⁶ This court reviews for clear error any report and recommendation to which no objections have been raised.⁷

Here, Plaintiff never objected to the Report, and the deadline to file an objection has passed. Accordingly, this court reviews the Report for clear error. Having carefully considered the Report, the court finds no clear error. The court therefore ADOPTS the Report in full.⁸ For the reasons set forth in the Report, Plaintiff’s Motion for Default Judgment is DENIED.⁹

SO ORDERED this 11th day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', is written over a horizontal line.

ROBERT J. SHELBY
United States Chief District Judge

⁶ See *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“The [Federal Magistrates Act] does not on its face require any review at all, by either the district court or the court of appeals, of any issue that is not the subject of an objection.”).

⁷ See, e.g., *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (“If no objection or only partial objection is made [to a magistrate judge’s report and recommendation], the district court judge reviews those unobjected portions for clear error.”) (citations omitted); see also Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974)).

⁸ Dkt. 12.

⁹ Dkt. 11.